IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Letters Patent Appeal No. 173 of 2003
in
Writ Petition No. 5627 of 2003

Shri Anil Narhari Bhat .. Appellant
V/s.
Mrs. Smita alias Anupama Anil Bhat .. Respondent

Mr. A.P. Vanarse for the Appellant.
None present for the Respondent.

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.
DATED : 05.10.2004.

P.C.:-

1. Heard the learned counsel for the Appellant. By this Letters Patent Appeal, the Appellant is challenging the order dated 12.11.2003 passed by the learned Single Judge in Writ Petition No. 5627 of 2003, whereby the learned Single Judge has declined to interfere as the order challenged before the learned Single Judge was an interlocutory order. Perused also the order dated 31.3.2003 passed by the learned Judge of the Family Court, wherein the Family Court has made it abundantly clear that the Appellant's application with regard to the issue of Res Judicata will be considered alongwith the main Petition as it is a mixed question of law and facts. Under these circumstances, we find no merit in the present Appeal. The Appeal stands dismissed.

(S. RADHAKRISHNAN, J.)

(S.A. BOBDE, J.)